

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

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2007 AUG -7 A 9 29

William Douglas Dawson, )  
)  
Petitioner, )  
)  
v. )  
)  
Warden Stan Burt, Lieber )  
Correctional Institution, )  
)  
Respondent. )  
\_\_\_\_\_ )

Civil Action No. 4:06-3205

**ORDER**

This matter is before the Court upon the Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, which was filed on November 14, 2006. On November 15, 2006, the Court issued an Order authorizing service of process and directing the Respondent to file an answer or other response no later than 50 days from the date of service. On January 8, 2007, the Respondent filed a motion for a 30-day extension of time within which to respond to the petition. The Court granted the Respondent's motion and extended the Respondent's time to respond to February 7, 2007. Then, on January 23, 2007, the Petitioner filed a motion requesting "a hearing in favor of the petitioner for the 'out of time response' to petitioner's petition for state habeas corpus, depriving petitioner of 'due process' of the law."

On February 7, 2007, the Respondent filed a second motion for an extension of time, which the Court granted, allowing the Respondent until March 9, 2007, to file an answer or other response to the Petitioner's petition. Then, on March 12, 2007, the Petitioner filed a "motion for relief by default."


On March 8, 2007, the Respondent filed a third motion for an extension of time, and

the Petitioner responded in opposition on March 26, 2007. Before the Court ruled on the Respondent's third motion for an extension of time, the Respondent filed a response and motion for summary judgment. The Court later granted the Respondent's motion in an Order dated April 19, 2007.

On April 20, 2007, United States Magistrate Judge Thomas E. Rogers, III issued a report and recommendation ("R&R") in accordance with 28 U.S.C. § 636(b)(1). In the R&R, Magistrate Judge Rogers recommends that the Court deny the Petitioner's motion for a hearing and motion for relief by default because the Respondent responded to the Petitioner's petition in a timely fashion pursuant to the Court's orders granting the Respondent extensions of time. On May 7, 2007, the Petitioner filed written objections to the R&R, wherein the Petitioner merely rehashes his previous arguments and asks that a hearing be held on his motion for relief by default. The Court finds the Petitioner's objections wholly without merit as the record reflects that the Respondent filed a timely response to the Petitioner's petition pursuant to the Court's orders granting the Respondent extensions of time. Therefore, based on the foregoing, it is

**ORDERED** that the Magistrate Judge's R&R is adopted, and the Petitioner's motion for a hearing (Doc. #7) and motion for relief by default (Doc. #10) are denied.

**IT IS SO ORDERED.**

  
 The Honorable Sol Blatt, Jr.  
 Senior United States District Judge

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August 6, 2007  
 Charleston, South Carolina